

REMARKS

This amendment is offered in response to the Office Action of November 19, 2003.

The Office Action has rejected Claim 1 under 35 U.S.C. §102(e) or §103 as anticipated by, or obvious over, the Van Erden reference (U.S. Patent No. 6,212,857). Similarly, the Office Action has rejected Claims 2 and 3 under 35 U.S.C. §103(a) as obvious over the Van Erden reference in view of the Ouchi reference (U.S. Patent No. 6,068,585).

At the outset, it is respectfully submitted that as the Van Erden reference is prior art under 35 U.S.C. §102(e) only and is commonly owned by the present assignee, that it is not a proper reference for a 35 U.S.C. §103 rejection and that any 35 U.S.C. §103 rejection based on the Van Erden reference is improper.

With respect to the 35 U.S.C. §102(e) rejection, the Van Erden reference discloses attaching only one flange per profile member. This is quite different from the claimed “attaching discrete sections of said first flange and said second flange of at least one of said first and second interlocking profile elements oriented in the machine direction at predetermined spaced intervals to said first continuous strip of carrier web to form a supply of carrier web with pre-positioned sections of zipper profile”. It is further noted that this language has been amended to remove some ambiguity of the prior claim amendment.

The Ouchi reference discloses attaching zipper adjacent to one edge of a film, rather than a carrier web, in order to produce bags. This is a different process from attaching a zipper to a carrier web “to form a supply of carrier web with pre-positioned sections of zipper profile”.

The Ouchi reference discloses attaching continuous separated zipper sections, each separately, to a top and bottom film, and then joins the zipper. This is totally different from attaching interlocked discrete zipper sections to a carrier web.

Both the Ouchi and Van Erden references are directed at totally different methods of attaching zipper to film, and even when combined will not result in the presently claimed invention.

It is respectfully submitted that the presently pending claims are patentable over the cited references.

It is therefore respectfully submitted that all of the presently pending claims are patentable over the cited prior art.

In view of the above, it is respectfully submitted that the claims as herein are patentably distinguishable over the prior art and the application is now believed to be in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald E. Brown", with a stylized flourish at the end.

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